

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-120-T - ORDER NO. 98-505

JULY 6, 1998

IN RE: Application of J & C Moving & Storage, Inc.,)	ORDER APPROVING
2653 Veneer Street, Post Office Box 70941,)	TRANSFER OF CLASS E
Charleston, SC 29415, to Transfer Class E)	CERTIFICATE OF
Certificate of Public Convenience and)	PUBLIC CONVENIENCE
Necessity No. 2707 to Fountain Moving &)	AND NECESSITY
Storage, Inc., 3507 Edwin Ave., Savannah,)	
GA 31405 (Mailing Address: Post Office Box)	
22997, Savannah, GA 31403-2997).)	

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of the Application of J & C Moving & Storage, Inc.. ("J & C" or "the Transferor") to transfer Class E Certificate of Public Convenience and Necessity No. 2707 to Fountain Moving & Storage, Inc. ("Fountain" or "the Transferee").

Subsequent to the filing of the Application, the Commission's Executive Director instructed the Transferee to cause to be published a prepared Notice of Filing in newspapers of general circulation in the State of South Carolina. The Notice of Filing indicated the nature of the Application and advised all interested parties desiring to participate in the proceeding of the manner and time in which to file pleadings to be included. No Protests or Petitions to Intervene were filed with the Commission.

A hearing was held on June 10, 1998, at 2:30 p.m., in the Commission's hearing room. The Honorable Guy Butler, Chairman, presided. Fountain was represented by

Bonnie D. Shealy, Esquire. Florence P. Belser, Staff Counsel represented the Commission Staff.

A review of the Application reveals that the Transferor has certified the following: (1) that there are no debts or claims against it; (2) that there are no unremitted COD collections due shippers; (3) that there are no claims for loss of or damage to goods transported or received for transportation; (4) that there are no claims for overcharges on property transported; (5) that there are no interline accounts due other carriers; and (6) that there are no wages due employees (of the transferor). The Application also contains copies of several bills of lading showing that the authorized services have been continuously offered and reasonably provided for 12 months prior to the filing of the Application.

Donald G. Arpin, Jr., Vice President of Fountain, appeared at the hearing and testified regarding Fountain's abilities to provide the services which Fountain seeks to provide in South Carolina pursuant to the transfer of the Class E authority. Mr. Arpin stated that Fountain is a full service moving company. Mr. Arpin stated that Fountain is a family business employing himself and two brothers and that he is fourth generation in the business.

Mr. Arpin stated that Fountain maintains more than adequate insurance for the protection of the public and provided a Certificate of Insurance to demonstrate that the insurance coverage meets the requirements of the Commission. (See, Hearing Exhibit No. 6). Mr. Arpin also testified that Fountain has sufficient equipment to provide the services for which it seeks authority and stated that Fountain has four tractors, nine straight trucks,

trucks, and 9 trailers. Mr. Arpin also provided pictures of some of the equipment owned by Fountain. (See, Hearing Exhibit No. 3.) Fountain also provided a statement from Interstate Nationallease, Inc. of Savannah, Georgia which certified that it provides maintenance for Fountain and provides such maintenance services as preventative maintenance and DOT inspections. (See, Hearing Exhibit No. 4). Fountain also provided a safety certification certifying, *inter alia*, that it is familiar with U.S.D.O.T. regulations relating to safe operation of commercial vehicles and that it has in place a system for ensuring compliance with Federal Motor Carrier Safety Regulations (“FMCSR”); that it has in place a driver safety/orientation program; that it is familiar with driver qualifications and has in place a system for overseeing driver qualification requirements; and that it is in compliance with the Controlled Substance and Alcohol Use and Testing as Stated in the FMCSR. (See, Hearing Exhibit No. 5).

Mr. Arpin stated that Fountain is duly licensed in the State of Georgia and that it is operating in good standing with the regulatory authorities of Georgia. Mr. Arpin testified that Fountain is familiar with the Rules and Regulations governing for-hire moving service and agrees to operate in compliance with those Rules and Regulations if allowed to operate in South Carolina. Mr. Arpin further stated that Fountain has no outstanding judgments pending against it and offered that Fountain is a financially healthy company having over one million dollars in assets with liabilities of less than five hundred thousand dollars. According to Mr. Arpin, Fountain wishes to provide its services to the public in South Carolina and believes that Fountain possesses the necessary experience and qualifications to provide those services in South Carolina.

Mr. Arpin also stated that he believed that the public convenience and necessity would be better served by the transfer. Mr. Arpin affirmed that the instant Application involved a transfer of existing authority and not a grant of new authority. Mr. Arpin stated that Fountain has received numerous calls for intrastate moves in South Carolina which Fountain has been forced to refuse due to lack of operating authority in South Carolina. According to Mr. Arpin, Fountain can fill a need in the household goods moving business in South Carolina.

Upon consideration of the merits of the instant Application, the representations contained therein and the documentary evidence attached thereto, and the testimony of witness Arpin and the documentary evidence produced at the hearing, the Commission finds that (1) the transfer of the Certificate of Public Convenience and Necessity will not adversely affect the service to the public authorized by said Certificate; (2) the Transferee is fit, willing, and able to perform the services authorized under said Certificate; and (3) service under said Certificate has been continuously offered and reasonably provided to the public for a period of time of not less than 12 months prior to the date of the filing of the Application.

The Commission also finds and concludes that the proposed transfer of the Certificate from the Transferor to the Transferee is in the public interest, and that relief sought in the Application for transfer should be approved.

IT IS THEREFORE ORDERED THAT:

1. The proposed transfer of Certificate of Public Convenience and Necessity No. 2707 from J & C Moving & Storage, Inc. to Fountain Moving & Storage, Inc. should be, and hereby is, approved.

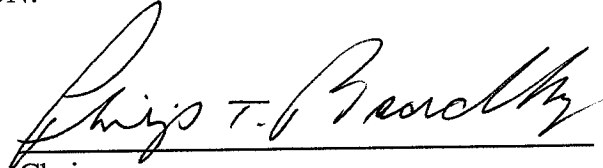
2. The Transferee shall file the proper license fees and other information required by S.C. Code Ann. §58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-280 (1976), as amended, which are the Commission's Rules and Regulations for Motor Carriers, within sixty days from the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. § 58-23-10, et seq., (1976), as amended, and the applicable provisions of 26 S.C. Code Ann. Regs. 103-100 through 103-280 (1976), as amended, of the Commission's Rules and Regulations for Motor Carriers, a Certificate of Public Convenience and Necessity shall be issued to the Transferee authorizing the motor carrier services granted herein.

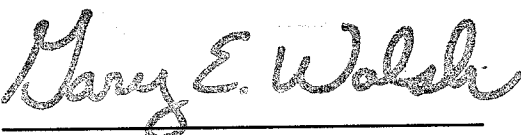
4. Prior to compliance with the requirements set forth herein and the receipt of a Certificate of Public Convenience and Necessity, the motor carrier services authorized herein shall not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Acting Executive Director

(SEAL)